

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Nov 17 2021

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America)

v.)

Albert Collins,)

Case No.3-21-mj-71822 MAG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2, 2021 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:*Code Section*

18 U.S.C. Section 922(g)(1)

Offense Description

Felon in Possession of a Firearm and Ammunition

Maximum Penalties: 10 years' imprisonment; maximum \$250,000 fine;
maximum 3 years' supervised release; \$100 special assessment; forfeiture

This criminal complaint is based on these facts:

See attached affidavit of Sgt. Matthew Dudley

☒ Continued on the attached sheet.Approved as to form /s/ Lauren Harding
AUSA Lauren Harding/s/ Matthew J. Dudley*Complainant's signature*Matthew J. Dudley, Sgt. SFPD and FBI TFO*Printed name and title*

Sworn to before me by telephone.

Date: November 17, 2021City and state: San Francisco, CaliforniaHon. Jacqueline S. Corley, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, MATTHEW J. DUDLEY, being duly sworn, hereby depose and state as follows:

I. INTRODUCTION

A. Purpose of Affidavit

1. I make this affidavit in support of the issuance of a criminal complaint and a federal arrest warrant for Albert Collins. There is probable cause to believe that, on or about November 2, 2021, COLLINS violated Title 18, United States Code, Section 922(g)(1) (Felon in Possession of Firearm and Ammunition) (the "Target Offense").

II. BACKGROUND

A. Affiant Background

2. I have been a law enforcement officer since September 2007, when I began my employment with the San Francisco Police Department (SFPD). In 2015, I was granted a Special Deputation Appointment to the Safe Streets San Francisco Gang Task Force by the U.S. Department of Justice Federal Bureau of Investigation (FBI). My current SFPD assignment is to the Community Violence Reduction Team (CVRT), formerly known as Gang Task Force. Prior to my current assignment, I was assigned to Tenderloin Station Investigative Team as an investigator, the Violence Reduction Team as a plainclothes officer, as well as Ingleside Station, Tenderloin Station, and Mission Station in a patrol officer capacity. As a member of CVRT, I am responsible for the investigation and suppression of criminal activities perpetrated by criminal street gangs. I have authored and served numerous search warrants in the City and County of San Francisco related to attempted homicides (shootings), robberies, aggravated assaults, firearm violations, and other crimes.

3. My training includes the Basic Police Curriculum Course taught while attending the P.O.S.T. certified San Francisco Police Academy and ongoing instruction while working as an SFPD officer. In addition to the experience and training listed above, I have successfully completed the following relevant courses: Search Warrants "A Through Z", in 2010, The Robert Presley Institute of Criminal Investigations Core Course in 2012, Supervisory Course ("Sgt

School”), in 2014, The Robert Presley Institute of Criminal Investigations Gang Foundation Specialty Class in 2015, and a Search Warrant training class put on by the San Francisco District Attorney’s Office in 2016, among others. As a dually sworn officer by the state of California and federal law enforcement officer, I am authorized to investigate violations of laws of the United States and authorized to execute search and arrest warrants under the authority of the United States.

4. The facts and information set forth in this affidavit are based on my training and experience, and as specifically attributed below, information obtained from law enforcement officers and witnesses. To the extent that any information in the affidavit is not within my personal knowledge, it has been made available to me through reliable law enforcement sources, and I believe such information to be true. This affidavit is made for the sole purpose of demonstrating probable cause for the issuance of the requested complaint and arrest warrant and does not set forth all my knowledge of, or investigation into, this matter. In addition, where I report information I learned from others or from reviewing documents and reports prepared by others, such information is recounted in sum and substance and in relevant part.

B. Applicable Law

5. The elements of the Target Offense are as follows: the defendant (1) knowingly possessed a firearm or ammunition; (2) that firearm or ammunition had been shipped or transported from one state to another, or between a foreign nation and the United States; and (3) at the time the defendant possessed the firearm or ammunition, the defendant had been convicted of a crime punishable by imprisonment for a term exceeding one year; and (4) at the time the defendant possessed the firearm or ammunition, the defendant knew he had been convicted of a crime punishable by imprisonment for a term exceeding one year. *See* 18 U.S.C. § 922(g)(1).

III. FACTS ESTABLISHING PROBABLE CAUSE

A. COLLINS Possessed a Loaded Firearm on or about November 2, 2021

6. As reflected in San Francisco Police Department (SFPD) incident report number 210-720-301, COLLINS was arrested for possession of a firearm (semi-automatic pistol) and ammunition on November 2, 2021. On that date, two SFPD officers saw COLLINS at the intersection of Sunnydale Avenue and Hahn Street. The officers were familiar with COLLINS because of his association with a criminal street gang known as “DBG” (Down Below Gangsters). The officers also had previous knowledge that COLLINS was on Post Release Community Supervision (PRCS) with a warrantless search condition. The officers observed COLLINS enter the front driver’s seat of a blue BMW sedan. The officers observed a license plate affixed to the BMW that was bearing an alphanumeric sequence of 6PDV247. One of the officers conducted a computer query on that license plate which revealed that the registration had expired on October 15, 2021. One of the officers ran a records check on COLLINS’S name again and confirmed he was actively on PRCS with a condition of warrantless search and seizure, with a discharge date of September 4, 2024.

7. The officers followed the BMW and conducted a traffic stop on the vehicle by activating the forward-facing red light attached to their marked police vehicle. The BMW pulled over and stopped on Brookdale Avenue. COLLINS exited the BMW and then ran northbound past a parked Audi and away from Brookdale Avenue towards Sunnydale Avenue. The officer ordered COLLINS to stop running multiple times, but he continued to run. The officers pursued COLLINS and ultimately placed him in handcuffs near residences on Sunnydale Avenue.

8. As he was being handcuffed, COLLINS spontaneously told the officers “Y’all got me” and “the gun’s in the garbage can” and “did y’all check the garbage up there?” One of the officers retraced COLLINS’s path of flight and found a firearm (a personally manufactured firearm) under the same Audi that COLLINS was seen running past. Incident to arrest, one of the officers conducted a search of COLLINS’s person and found a second firearm (a semi-automatic pistol) inside the right pant leg of COLLINS’s jeans.

9. The firearm seized from beneath the Audi was a personally manufactured firearm (PMF) bearing no serial number.

10. The firearm seized from Albert COLLINS'S jeans is a BB Tech ISSC BB6 semi-automatic pistol (Austria), with a serial number on the slide of 11E00393, 9 x 19 caliber. The pistol had a 15 round magazine that contained 13 rounds of 9mm Luger unfired cartridges and one unfired 9mm cartridge in the chamber of the pistol. All 14 rounds of 9mm Luger ammunition were stamped with "WIN" and "9mm LUGER."

IV. COLLINS HAD BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR AND KNEW HE HAD BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR

11. I have reviewed COLLINS's lengthy criminal history as part of my investigation.

12. In April of 2017, COLLINS was convicted of being a prohibited person in possession of a firearm in violation of California Penal Code section 29820(b). COLLINS was sentenced by the San Francisco Superior Court to 3 years' probation and 4 days' jail for this offense.

13. Also in April of 2017, COLLINS was convicted of second degree robbery in violation of California Penal Code section 211. COLLINS was sentenced by the San Francisco Superior Court to 3 years' probation and 25 days' jail for this offense.

14. In April of 2019, COLLINS was convicted of grand theft in violation of California Penal Code section 487(a). COLLINS was sentenced by the Placer Superior Court to 32 months' imprisonment for this offense.

15. Also in April of 2019, COLLINS was convicted of being a prohibited person in possession of ammunition in violation of California Penal Code section 30305(a)(1). COLLINS was sentenced by the Placer Superior Court to 16 months' imprisonment for this offense.

16. COLLINS was on active Post Release Community Supervision (PRCS) with a warrantless search condition for the April 2019 convictions at the time of his November 2, 2021 arrest. COLLINS had a firearm restriction as a condition of his release on PRCS.

B. The Firearm and Ammunition Possessed by COLLINS Traveled in Interstate or Foreign Commerce

17. As part of this investigation, I asked a Special Agent with the Alcohol, Tobacco, Firearms, and Explosives (ATF) with an expertise in the interstate nexus element of federal firearm and ammunition offenses whether the BB Tech ISSC BB6 firearm and the 14 rounds of 9mm Luger ammunition that are stamped with "WIN" and "9mm LUGER" found in COLLINS's jeans travelled in interstate commerce. The ATF Special Agent confirmed that the firearm and ammunition were not manufactured in the state of California and therefore must have crossed state lines to be located in San Francisco.


V. CONCLUSION

Based on the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that on or about November 2, 2021, Collins violated 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition in the Northern District of California.

/s/MATTHEW J. DUDLEY

Sergeant
San Francisco Police Department
Safe Streets San Francisco Gang Task Force
Federal Bureau of Investigation

Subscribed to and sworn to before me this 17th day of November , 2021



HON. JACQUELINE S. CORLEY
United States Magistrate Judge

P